IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 1076 of 2007(C)

PETITIONER:
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1. K.A. MADHAVAN, KUMPEL HOUSE,
MURINHAPUZHA, CHEMPU, KOTTAYAM DISTRICT.

2. SIJU K.M., S/O.MADHAVAN,
KUMPEL HOUSE, MURINHAPUZHA,
CHEMPU, VAIKOM, KOTTAYAM.

BY ADV. SRI.M.A.FIROZ
SRI.GEORGE MECHERIL

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, KOTTAYAM.

2. THE TAHSILDAR, VAIKOM, KOTTAYAM.

BY GOVERNMENT PLEADER – ADV. SHRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 1076 of 2007

Dated, this the 15th day of January 2007

J U D G M E N T

Heard the learned counsel for the petitioners and the learned Government Pleader.

2. The petitioners challenge Ext.P3 order issued by the Collector by imposing a fine of Rs. 25,000/-, for each of the two boats used by the petitioners for transportation of river sand without any documents. The learned Government Pleader, on instructions, submits that the sand in each of the boat is about 120 cubic feet. The petitioners' case is that fine levied is excessive and arbitrary. Having regard to the fine seen imposed in similar cases, I feel the penalty levied is on high side. In the circumstances, this writ petition is disposed of modifying Ext.P3 order by reducing the fine to Rs. 12,500/- (Rupees twelve thousand and five hundred only) for each of the boats. Along with the above penalty, petitioners shall deposit Rs. 1,000/- (Rupees one thousand only) each towards value of the sand in each boat. On making payments as above, boats will be released to the petitioners along with sand.

C.N.RAMACHANDRAN NAIR, JUDGE.

jg